

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LARRY EALY,

Plaintiff,

:

Case No. 3:08-cv-193

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

PRESIDING JUDGE HARRY
H. WOLFF, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 3), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on July 2, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that because this case comes within the *Younger* abstention doctrine, it is hereby dismissed without prejudice.

July 7, 2008.

THOMAS M. ROSE

Thomas M. Rose
United States District Judge